IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 2ND JANUARY 2007 / 12TH POUSHA 1928

Bail Appl..No. 7602 of 2006()

CRIME NO.579/2006 OF VADAKKENCHERY POLICE STATION
CMP.6240/2006 of J.M.F.C.,ALATHUR

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PETITIONER:

SATHEESH S/O.SREEDHARAN, 27 YEARS,
VARIYAMPAAM HOUSE, PARA,
ELAPPULLY. (CUSTODY).

BY ADV. SRI.M.V.PAULOSE

RESPONDENTS:

CIRCLE INSPECTOR OF POLICE,
VADAKKENCHERY POLICE STATION
THROUGH PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM

BY PUBLIC PROSECUTOR, SRI K.S.SIVAKUMAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 02/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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BAIL APPLICATION NO.7602 OF 2006

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DATED THIS THE 2ND DAY OF JANUARY, 2007

O R D E R

Petitioner who is the second accused in Crime No.579/06 of Vadakkancherry Police Station for an offence punishable under section 55(a) of the Abkari Act for allegedly assisting the transportation of 11800 litres of spirit on 5.12.2006, seeks bail. He was arrested on 5.12.2006.

2. Learned Public Prosecutor opposed the application.

3. The case of the prosecution is that on 5.12.2006, the Police party headed by the Dy.S.P., Alathur upon getting information stopped and searched a lorry bearing registration No.KA 03A-1149 near Mangalam Bridge on the Madappalloor road. When the Police party had given signal to the lorry driver to stop the vehicle, he had ignoring the directions attempted to escape and the Police party chased the lorry. When the lorry reached Mangalam Bridge, the driver of the lorry stopped the vehicle and suddenly got into a Tata Sumo car bearing registration No.KL 8 K 6613 which was pioletting in front of the lorry as if providing security to the lorry. The Tata Sumo car was

chased and intercepted at Palakkad. The driver of the lorry and three others who are travelling in the car were arrested. The search conducted in the lorry aforesaid resulted in the recovery of 349 plastic jerry cans each of 35 litres capacity containing the contraband spirit.

3. It is too early to accept the petitioner's contention that the case of the prosecution as alleged is false and that the petitioner was arrested not according to the version given by the prosecution. I am not satisfied that both the grounds enumerated under section 41A(b)(ii) of the Abkari Act are present in this case so as to justify the release of the petitioner on bail

This petition is accordingly dismissed.

V.RAMKUMAR, JUDGE

dsn